

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**JOHNNY RATLIFF
ADC #129918**

PETITIONER

v.

Case No. 5:18-cv-230-KGB-JTK

**WENDY KELLEY, Director of
Arkansas Department of Correction**

RESPONDENT

ORDER

The Court has received the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Jerome Kearney (Dkt. No. 7). Plaintiff Johnny Ratliff filed an objection to the Proposed Findings and Recommended Disposition (Dkt. No. 10). After a review of the Proposed Findings and Recommended Disposition and Mr. Ratliff's objection, as well as a *de novo* review of the record, the Court adopts the Proposed Findings and Recommended Disposition in their entirety (Dkt. No. 7). Mr. Ratliff's claims are dismissed with prejudice.

The Court writes separately to address Mr. Ratliff's objection. Mr. Ratliff claims that "it would be a severe miscarriage of justice to not entertain [his] claim on the merits" because he "can show a history of mental health issues and that he was under the influence of drugs when his crime was committed." (Dkt. No. 10, at 2). This objection is not responsive to the grounds for dismissal, which are that Mr. Ratliff's petition for writ of habeas corpus is time-barred and procedurally defaulted (Dkt. No. 7, at 6, 8). For this reason, the Court adopts the Proposed Findings and Recommended Disposition in their entirety (Dkt. No. 7).

It is therefore ordered that:

1. The Proposed Findings and Recommended Disposition submitted by Judge Kearney are adopted in their entirety (Dkt. No. 7);

2. Mr. Ratliff's 28 U.S.C. § 2254 petition for writ of habeas corpus is denied, and this case is dismissed with prejudice; and
3. A certificate of appealability is denied. *See* 28 U.S.C. § 2253(c)(1)-(2); Rule 11(a), Rules Governing § 2254 Cases in United States District Courts.

It is so ordered this 14th day of June, 2021.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive, flowing style.

Kristine G. Baker
United States District Judge